

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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MAY 16 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CORNELIUS LOPES

Plaintiff,

CASE NO. C 076213

FREMONT FREEWHEELERS

PLAINTIFF ANSWER

Defendants,

SHOW CAUSE

Plaintiff has filed proof of service on some Defendants but has answered the Court here, to show  
cause not to dismiss the other defendants from the case.

1 The Plaintiff is showing cause why this Court should not dismiss the complaints on the remaining  
2 defendants.

3 Officer Joseph Dale Wren testified for the Defendants in Plaintiff's civil that Cornelius Lopes  
4 the Plaintiff was a suspect that day of the accident. From June 12, 2004 until June 3, 2004 the  
5 Plaintiff was in contact with David Morse and Associates the claims agent for K&K Insurance  
6 and the Newark Police Department giving statement to both. The Defendant officer Wren also  
7 testifies the Plaintiff was never mirandized.

8 The remaining defendants as defined in the Courts order to show cause adopted certain conduct  
9 know to them intentionally broke the law. The conduct causing the deprivation of the Plaintiff's  
10 federal rights can be fairly attributed to the State. The Fremont Freewheelers and the remaining  
11 defendants had conducted its investigation into the accident under color of the law and were  
12 enforced under color of California law, given to them by officer Wren when asked to perform  
13 their investigation. Plaintiff is aware that conduct in "under color of law" or "state action" for  
14 purposes of ss1983 are a matter of federal law, Gorenc v. Salt River Project Agr. C.A. 9 Ariz.  
15 1989, 869 F.2. 503.

16 The investigation conducted by the Defendants utilized the USCF and the Northern California  
17 Cycling Association's web site to figure out how the accident happened and how to help the  
18 Alameda County DA prosecute the Plaintiff, even though, they were not the injured party.  
19 Larry Upthegrove and Robert Parker conspired under color of law and deprived the Plaintiff his  
20 Fourteenth Amendment Right, by testifying but not persuading the D.A. of Alameda County to  
21 press charges against the Plaintiff. They were paid by K&K Insurance, HRH a Borker and Chub  
22 Medical for the injuries they received as to the negligence of the Fremont Freewheelers Bike Club  
23 for the June 12, 2004 accident but yet, settled out of court with the Plaintiff insurance company  
24 for the same injuries. Moreover, they both indicated in depositions they became aware as to how  
25 the accident happened by chatting online with other cyclist on the ffbc-rt promotions web site.  
26 Parker and Upthegrove the Defendants impacted the Plaintiff and as "state actors" they are guilty  
27 because they testified the Plaintiff caused them harm, knowing it was not true.

28 Joe Baughman with K&K Insurance conspired and participated on the affairs of an enterprise and

1 engaged in interstate commerce through the pattern of racketeering in violation of 18 U.S.C.  
2 ss1962 (d). The Defendant knew if the Plaintiff was found guilty of a crime the insurance  
3 company and the Fremont Freewheelers Bike Club and their bike club would not be liable to him  
4 or the city for damages. K&K Insurance provided photos of the accident with caption depicting  
5 their version of how the accident happened to the FFBC bike club which were posted on their  
6 web site, letting the other cyclist know, their version as to how the accident happened. The  
7 purpose of illegally committing fraud by utilizing email to defraud the insurance company was his  
8 purpose and he corruptly influenced the outcome of a state court proceeding. As a result he denied  
9 the due process rights of the Plaintiff.

10 Casey Carrington is an officer with the Northern California Cycling Association allowed  
11 through his relationship with Richard Brockie publish on the clubs web site list and solicited  
12 the Alameda County District Attorney to file charges against the Plaintiff.

13 Jeff Wong conspired with Jason Sage, Sally Wilson, Gary Birch and Richard Brockie to  
14 influence the outcome of a criminal proceeding, the legal issue is this pattern of racketeering  
15 involving the enterprise of this group deny the Plaintiff the equal protection of the law. The  
16 Plaintiff believes it did, Defendant Wong should be held to answer for his crime under 18 U.S.C.  
17 ss1962 and be charged with ss242, battery.

18 Lloyd Rath interfered with Plaintiff's 13<sup>th</sup> Amendment Rights and as a conspirator "under color"  
19 of law he deprived the Plaintiff of his 14<sup>th</sup> Amendment Rights.

20 The Alameda County District Attorney was served the same time Defendant Faria, Mesic and  
21 Petagrew were served; therefore, council's Patton Wolan Carlise should represent it as well.

22 The Plaintiff challenges the way the Alameda County District Attorney selects jurors which is  
23 currently segregated to county and state employee's in civil and criminal courts. It violated  
24 Due Process Rights and citizens rights in the County of Alameda. Holland v. Illinois, 493, US  
25 1990.

26 The Plaintiff asks to have all Defendants held over for trial in these civil rights claims but also  
27 need to restate, the Plaintiff is seeking to have these person(s) arrest. I am making a citizens arrest  
28 on all defendants for violating the Plaintiffs constitutional rights as defined in his claim.

*Cornelius J. Lopez*  
5/16/08